

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DuWayne Allen Bohner,

Civil No. 10-4621 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

LHR Inc. and Bank of America,

Defendants.

DuWayne Allen Bohner, *Pro Se*, Plaintiff.

Livia E. Babcock, Esq., and Margaret R. Ryan, Esq., Meagher & Geer, PLLP; and
Alicia C. Rood, Esq., Schroder Joseph & Associates LLP, counsel for Defendant LHR
Inc.

Ann N. Cathcart Chaplin, Esq., Fish & Richardson PC; and Gary S. Caplan, Esq., Reed
Smith LLP, counsel for Defendant Bank of America.

This matter is before the Court upon Plaintiff DuWayne Allen Bohner's *pro se*
self-styled objections to Magistrate Judge Leo I. Brisbois's August 8, 2011 Report and
Recommendation insofar as it recommends that (1) Plaintiff's Motion for Default
Judgment be denied; and (2) Defendant Bank of America's Motion for Partial Dismissal
be granted and that the Plaintiff's claims against Bank of America for violating the
FDCPA be dismissed without prejudice. Defendant Bank of America responded to
Plaintiff's objections. (Doc. No. 45.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff DuWayne Allen Bohner's *pro se* self-styled objections (Doc. No. [43]) to Magistrate Judge Leo I. Brisbois's August 8, 2011 Report and Recommendation are **DENIED**.

2. Magistrate Judge Leo I. Brisbois's August 8, 2011 Report and Recommendation (Doc. No. [42]), is **ADOPTED**.

3. Plaintiff's Motion for Default Judgment (Doc. No. [23]) is **DENIED**.

4. Defendant Bank of America's Motion for Partial Dismissal (Doc. No. [28]) is **GRANTED** and the Plaintiff's claims against Bank of America for violating the FDCPA are **DISMISSED WITHOUT PREJUDICE**.

Dated: September 24, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge